

# **EXHIBIT "1"**

Affidavit of B. Lynn Johnston

**AFFIDAVIT OF B. LYNN JOHNSTON IN SUPPORT OF REGIONS BANK'S  
APPLICATION FOR POST-JUDGMENT WRIT OF GARNISHMENT**

STATE OF TEXAS

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COUNTY OF DALLAS

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BEFORE ME, the undersigned authority, on this day personally appeared B. Lynn Johnston, who, being by me personally known and duly sworn, on oath stated:

1. "My name is B. Lynn Johnston. I am over 21 years of age, of sound mind, have never been convicted of a felony or crime of moral turpitude, and am fully competent to make this affidavit. I have personal knowledge of the facts stated herein and in the Application for Post-Judgment Writ of Garnishment (the "Application") and the facts stated herein and in the Application are true and correct. I am making this affidavit in support of the Application.

2. "I am a Senior Vice President in the Problem Loan Management division of Regions Bank. Regions Bank is the owner and holder of a valid, subsisting and unsatisfied final judgment. On April 14, 2015, in a case styled *Regions Bank v. Merry House Hurley, et al.*, Civil Action No. 6:14-cv-611; In the United States District Court for the Eastern District of Texas, Tyler Division, judgment was entered in favor of Regions Bank against Merry House Hurley and others, jointly and severally, in the amount of \$1,834,225.72, together with pre-judgment interest, and post-judgment interest at the rate of 4.74% per annum accruing since April 14, 2015 (the "Judgment"). A true and correct copy of the Judgment is attached hereto as Exhibit 1-A.

3. "After all payments and credits are applied toward the Judgment, as of February 9, 2016, \$1,809,463.64 remains unpaid.

4. "Within my knowledge and based on searches run by those under my direction, Merry House Hurley does not possess property in the State of Texas subject to execution sufficient to satisfy the remaining amounts owed under the Judgment.

5. "Upon information and belief, Regions Bank has reason to believe that Texas Trust Credit Union possesses property, specifically monies on deposit, belonging to Merry House Hurley by reason of Texas Trust Credit Union holding one or more accounts for Merry House Hurley.

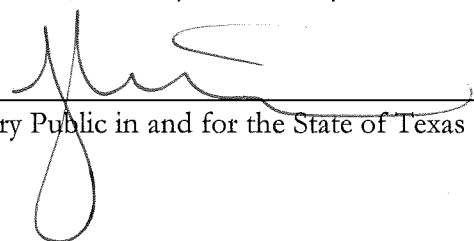
6. "The garnishment applied for is not sought with the intent to injure Merry House Hurley or Texas Trust Credit Union.

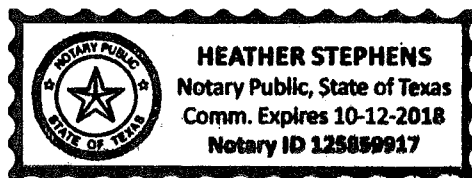
Further Affiant sayeth not."

SIGNED this the 11<sup>th</sup> day of February, 2016.

  
B. LYNN JOHNSTON

SUBSCRIBED and SWORN TO BEFORE ME on the 11<sup>th</sup> day of February, 2016, to certify which witness my hand and seal of office.

  
Notary Public in and for the State of Texas



# **EXHIBIT "1-A"**

Certified Copy of Judgment against Hurley

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

REGIONS BANK,

PLAINTIFF,

V.

MERRY HOUSE HURLEY, et al.

DEFENDANTS.

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CIVIL ACTION NO. 6:14-cv-611

**FINAL JUDGMENT**

On this day came Plaintiff REGIONS BANK ("Regions") and Defendants MERRY HOUSE HURLEY ("Hurley"), INDIVIDUALLY, MERRY HOUSE HURLEY, TRUSTEE OF THE MERRY SUE HURLEY TRUST ("Hurley Trust"), HOUSE NURSERY MANAGEMENT, LLC ("HNM"), MERRY HOUSE HURLEY, EXECUTRIX OF THE ESTATE OF JOE CLAY HOUSE ("House"), and HOUSE PARTNERSHIP ("HP") (collectively, the "Hurley Defendants" and, together with Regions, the "Parties") and announced to the Court that the parties have agreed to the entry of an agreed Final Judgment. It is, therefore:

ORDERED, ADJUDGED and DECREED that Regions is granted judgment against the Hurley Defendants in the amount of One Million, Eight Hundred and Thirty-Four Thousand, Two Hundred and Twenty-Five Dollars and Seventy-Two Cents (\$1,834,225.72) as damages due to breach of contract, plus all interest that has accrued on that amount since June 30, 2014, less any and all payments received by Regions from the Hurley Defendants, the borrower, or any other guarantor.

It is further ORDERED, ADJUDGED and DECREED that this judgment shall bear interest at the rate of 4.74% per annum from the date of entry of this Final Judgment.

A TRUE COPY I CERTIFY  
DAVID A. O'TOOLE, CLERK  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
By: 

It is further ORDERED, ADJUDGED and DECREED that Plaintiff shall have all writs of execution and other processes necessary to enforce this Judgment.

**SIGNED this 14th day of April, 2015.**

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a large initial "M".

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE